

### **REMARKS**

Applicant notes that the Request for Continued Examination filed with this Amendment is meant to be treated as a request to withdraw the appeal and reopen prosecution of the application before the Examiner. See 37 CFR 1.114 (d).

Claims 1 through 27 are pending.

Claims 28 through 31 have been canceled.

Claims 1 through 19 have been amended by this Amendment.

Claims 1 through 27 have been rejected.

### **Discussion of the rejection based on 35 U.S.C. § 101**

Examiner has rejected claims 1 through 27 under 35 U.S.C. § 101. In the Examiner's Answer dated January 26, 2007, Examiner has argued that "[a] system does not invoke that the system be a physical system or machine, since a system can be defined as a method, scheme or plan of procedure..." Applicant has amended independent claims 1 through 19 to remove the term "computing system" and replace it with the term "computing machine". Applicant believes that it is clear that the term "computing machine" refers to a "machine" and not to a mere method, scheme or plan of procedure.

Now, claim 1 sets out a proprietary information utility computing machine. Applicant notes that computing machines are widely recognized as useful machines within the statutory subject matter covered by 35 U.S.C. § 101.

Claim 19 sets out a method implemented by a computing machine. It is clear that claim 19 does not set out merely an abstract idea but sets out operational steps performed on or with the aid of a computing machine. Thus, claim 19 sets out statutory subject matter.

#### **Discussion of the rejection based on 35 U.S.C. § 102**

Examiner has rejected claims 1 through 27 under 35 U.S.C. § 102 (b) as being anticipated by the home page for Amazon.com (Amazon). Applicant has amended the claims. Applicant respectfully traverses the rejection as to the claims as amended.

#### **Criteria for a rejection under 35 U.S.C. § 102**

The criteria for a rejection under 35 U.S.C. § 102 has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Each and every element set forth in the claims is not found either expressly or inherently in Amazon. Based on this, Applicant is traversing the rejections of the claims.

Below, Applicant points out subject matter within each independent claim that is not disclosed by Amazon. On the basis of this, Applicant believes all the claims are patentable over Amazon.

### **Discussion of Independent Claim 1**

Claim 1 sets out a proprietary information utility computing system. The proprietary information utility computing system includes a repository that contains proprietary information. The repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use in response to paying a subscription fee to use particular proprietary information within the second category of proprietary information. This is not disclosed or suggested by Amazon.

Examiner has argued that "...information can be in domains, such as auctions, wherein multiple users may be granted access to view, in response to acquiring a license, such as registering to enter the auction." However, Amazon does not disclose or suggestion *paying a subscription fee* to access a domain, such as an auction. Specifically, Amazon, does not disclose or suggest that repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use *in response to paying a subscription fee* to

use particular proprietary information within the second category of proprietary information.

### **Discussion of Independent Claim 19**

Claim 19 sets out a method implemented by a computing system. Proprietary information is stored within a repository. The repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use in response to paying a subscription fee to use particular proprietary information within the second category of proprietary information. This is not disclosed or suggested by Amazon.


Examiner has argued that "...information can be in domains, such as auctions, wherein multiple users may be granted access to view, in response to acquiring a license, such as registering to enter the auction." However, Amazon does not disclose or suggestion *paying a subscription fee* to access a domain, such as an auction. Specifically, Amazon, does not disclose or suggest a repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use *in response to paying a subscription fee* to use particular proprietary information within the second category of proprietary information.

CONCLUSION

Applicant believes this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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